

08-06-01

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Customer Number: 000959

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

<b>DOCKET NO.</b>	<b>ANTICIPATED CLASSIFICATION OF THIS APPLICATION:</b>		<b>PRIOR APPLICATION SERIAL NUMBER:</b> 09/557,027	<b>PRIOR APPLICATION FILING DATE:</b> May 23, 2000
BBI-088CPADV2	<b>CLASS:</b>	<b>SUBCLASS:</b>	<b>EXAMINER:</b> T. McKelvey	<b>ART UNIT:</b> 1636

**Commissioner for Patents**  
**BOX PATENT APPLICATION**  
**Washington, D.C. 20231**

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: August 3, 2001

Mailing Label Number: EL 831 966 237 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.

Viriato G. Cardoso

Name of Person Mailing Paper



Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/557,027 filed on May 23, 2000, of Udo Baron, Manfred Gossen, and Hermann Bujard entitled Transcriptional Activators With Graded Transactivation Potential.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 37 page(s) of Specification;
- ☒ 1 page(s) of Sequence Listing;
- ☒ 3 page(s) of Claims;
- ☒ 1 page(s) of Abstract;
- ☒ 4 sheet(s) of Informal Drawings (*Figures 1-3B*); and
- ☒ 13 page(s) of two *executed* Declarations, Petitions and Powers of Attorney.

I hereby verify that the attached papers are a true copy of the prior complete application  
 U.S. Serial No. 09/557,027 as filed on May 23, 2000.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

The filing fee is calculated on the basis of the claims existing in the prior application as amended at no. 6 below and as amended in the Preliminary Amendment filed herewith.

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 19	MINUS	** 20	= 0
INDEP.	* 3	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	FEE		RATE	FEE
x 9 =	\$ .00		x 18 =	00
x 39 =	\$ .00		x 78 =	00
+130 =	\$ .00		+ 260 =	00
BASIC FEE	\$ .00		BASIC FEE	\$710 00
TOTAL	\$0.00	OR	TOTAL	\$710.00

4. ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayments, associated with this communication, to Deposit Account No. 12-0080. *For this purpose a duplicate of this document is enclosed.*
5. ☒ A check in the amount of \$710.00 is enclosed for payment of the basic filing fee.
6. ☒ Cancel in this application original claims 2-31 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A Preliminary Amendment is enclosed. (Claims amended by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a divisional application of U.S. Application Serial No. 09/557,027 filed on May 23, 2000, pending, which is a divisional application of U.S. Application Serial No. 08/888,080, filed on July 3, 1997, now U.S. Patent No. 6,087,166. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☒ The prior application is assigned of record to BASF Aktiengesellschaft, recorded February 2, 1998 at Reel 9004, Frame 0934.
11. ☐ A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. \_\_\_\_\_ in order to establish copendency with the present application.
12. ☒ Also enclosed are:
- ☒ Amended Figure 1 (1 sheet);
  - ☒ Amended Sequence Listing (pages 38-43);
  - ☒ Prepaid acknowledgment postcard.

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13. ☒ The power of attorney in the prior application is to Giulio A. Deconti, Jr., et al. of Lahive & Cockfield, LLP.
- a. ☒ The power appears in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.

14. ☒ Address all future communications to **Giulio A. DeConti at Customer No. 000959** whose address is:

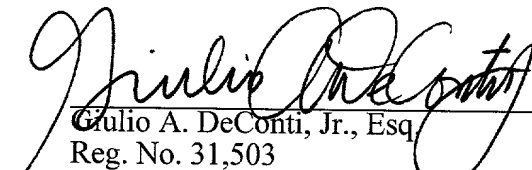
**Lahive & Cockfield, LLP**  
**28 State Street**  
**Boston, Massachusetts 02109**

15. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
16. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application U.S. Serial No. 09/557,027. Please use the computer readable form of application U.S. Serial No. 09/557,027 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the substitute paper copy of the sequence listing for this new application and the computer readable form of application U.S. Serial No. 09/557,027 are the same.

Respectfully submitted,

August 3, 2001  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
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Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503  
☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record